

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

APPLICANTS: Rohit Sharma

APPLICATION NO.: 09/580,029

FILING DATE: May 26, 2000

TITLE: NETWORK PERFORMANCE MONITORING AND RESTORATION BASED ON
TRANSMISSION CODE VIOLATIONS

EXAMINER: Unknown

GROUP ART UNIT: 2784

ATTY. DOCKET NO.: 21216-04993



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Box Missing Parts, Commissioner for Patents, Washington, DC 20231, on the date shown below:

Dated: September 14, 2000

By: 

Kirk A. Gottlieb, Reg. No. 42,596

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

**RESPONSE TO NOTICE TO FILE MISSING
PARTS OF APPLICATION**

Sir:

Responsive to the Formalities Letter dated July 31, 2000 for the above-identified patent application, enclosed are:

- ☒ payment in the amount of \$65 for the surcharge;
- ☒ Fee Transmittal (in duplicate);
- ☒ a signed Verified Statement;
- ☐ Applicant respectfully submits that since this application was entitled to Small Entity Status when filed, as established with the enclosed original, signed Verified Statement, the fee for filing as a large entity as indicated in the Notice to File Missing Parts is inappropriate and that the filing fee submitted with this

application as originally filed is sufficient to cover the filing fees for this application;

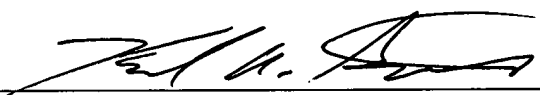
- ☒ an original, signed Declaration;
- ☒ a copy of the Formalities Letter;
- ☐ Other:

Respectfully submitted,

ROHIT SHARMA

Dated: September 14, 2000

By: _____


Kirk A. Gottlieb, Reg. No. 42,596
Fenwick & West LLP
275 Battery Street
San Francisco, CA 94111
Tel.: (415) 875-2414
Fax: (415) 281-1350

FORMALITIES LETTER



OC000000005282616

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/580,029	05/26/2000	Rohit Sharma	21216-04993

Kirk A Gottlieb
Fenwick & West LLP
2 Palo Alto Square
Palo Alto, CA 94306

RECEIVED

AUG 03 2000

FENWICK & WEST LLP

Date Mailed: 07/31/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- Small Entity Statement is unsigned.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

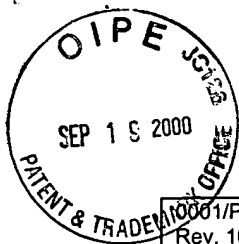
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

09/21/2000 BHABTEW 00000036 09580029

01 FC:205

65.00 DP



SECTOR \$

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PTO/SB/21 (modified)
Approved for use through xx/xx/xx, OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM <i>(to be used for all correspondence during pendency of filed application)</i>		Application Number	09/580,029
		Filing Date	May 26, 2000
		First Named Inventor	Rohit Sharma
		Group Art Unit Number	2784
		Examiner Name	Unknown
Total Number of Pages in This Submission	11	Attorney Docket Number	21216-04993

ENCLOSURES (check all that apply)	
<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input checked="" type="checkbox"/> Check Enclosed <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Response to Notice to File Missing Parts <input checked="" type="checkbox"/> Small Entity Statement <input checked="" type="checkbox"/> Declaration <input type="checkbox"/> Assignment & Recordation Cover Sheet <input type="checkbox"/> Information Disclosure Statement & PTO-1449 <input type="checkbox"/> Copies of IDS Cited References <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Request for Correction of Recorded Assignment <input type="checkbox"/> Amendment/Response: [11] Page(s) <input type="checkbox"/> After Final <input type="checkbox"/> Status Request <input type="checkbox"/> Revocation and Power of Attorney	<input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Letter to Chief Draftsperson <input type="checkbox"/> Formal Drawing(s): [] Sheet(s) of Figure(s) [] <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> Copy of Formalities Letter <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
REMARKS:	

SIGNATURE OF ATTORNEY OR AGENT			
Signature:			
Attorney/Reg. No.:	Kirk A. Gottlieb, Reg. No. 42,596	Dated:	September 14, 2000

CERTIFICATE OF MAILING			
I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.			
Signature:			
Typed or Printed Name:	Kirk A. Gottlieb	Dated:	September 14, 2000
Express Mail Mailing Number (optional):			

0002/PTO(modified) Rev. 10/95	U.S. Department of Commerce Patent and Trademark Office	Complete if Known Application Number 09/580,029 Filing Date May 26, 2000 First Named Inventor Rohit Sharma Group Art Unit 2784 Examiner Name Unknown Attorney Docket Number 21216-04993
FEE TRANSMITTAL TOTAL AMOUNT OF PAYMENT Subtotal (1) + Subtotal (2) + Subtotal (3) = (\$ 65.00)		

METHOD OF PAYMENT	FEE CALCULATION (continued)
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1. The Commissioner is hereby authorized to: <input type="checkbox"/> Charge the indicated fees to the below mentioned deposit account. <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. [†] <input type="checkbox"/> Charge the Issue Fee set in 37 CFR 1.18 at the Mailing of the Notice of Allowance, 37 CFR 1.311(b) to the below mentioned deposit account. Deposit Account Number: 19-2555 Deposit Account Name: FENWICK & WEST LLP A Duplicate Copy of this authorization is attached 2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Other	3. ADDITIONAL FEES <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity Fee Code/Fee</th> <th style="text-align: left;">Small Entity Fee Code/Fee</th> <th style="text-align: left;">Fee Description</th> <th style="text-align: right;">Fee Due</th> </tr> </thead> <tbody> <tr><td>105/\$130</td><td>205/\$65</td><td>Surcharge - late filing fee or oath</td><td style="text-align: right;">65</td></tr> <tr><td>127/\$50</td><td>227/\$25</td><td>Surcharge-late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>147/\$2,520</td><td>147/\$2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>115/\$110</td><td>215/\$55</td><td>Extension for response within first month[†]</td><td></td></tr> <tr><td>116/\$380</td><td>216/\$190</td><td>Extension for response within second month[†]</td><td></td></tr> <tr><td>117/\$870</td><td>217/\$435</td><td>Extension for response within third month[†]</td><td></td></tr> <tr><td>118/\$1,360</td><td>218/\$680</td><td>Extension for response within fourth month[†]</td><td></td></tr> <tr><td>128/\$1,850</td><td>228/\$925</td><td>Extension for response within fifth month[†]</td><td></td></tr> <tr><td>119/\$300</td><td>219/\$150</td><td>Notice of Appeal</td><td></td></tr> <tr><td>141/\$1,210</td><td>241/\$605</td><td>Petition to revive unintentionally abandoned application</td><td></td></tr> <tr><td>142/\$1,210</td><td>242/\$605</td><td>Utility Issue Fee (Or Reissue)</td><td></td></tr> <tr><td>143/\$430</td><td>243/\$215</td><td>Design Issue Fee</td><td></td></tr> <tr><td>122/\$130</td><td>122/\$130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123/\$50</td><td>123/\$50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126/\$240</td><td>126/\$240</td><td>Submission of Information Disclosure Statement</td><td></td></tr> <tr><td>581/\$40</td><td>581/\$40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146/\$690</td><td>246/\$345</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>149/\$690</td><td>249/\$345</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td colspan="3">Other fee (specify):</td><td></td></tr> <tr><td colspan="3">Other fee (specify):</td><td></td></tr> <tr> <td colspan="3" style="text-align: right;">SUBTOTAL (3)</td> <td style="text-align: right;">(\$ 65.00)</td> </tr> </tbody> </table>	Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due	105/\$130	205/\$65	Surcharge - late filing fee or oath	65	127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet		147/\$2,520	147/\$2,520	For filing a request for reexamination		115/\$110	215/\$55	Extension for response within first month [†]		116/\$380	216/\$190	Extension for response within second month [†]		117/\$870	217/\$435	Extension for response within third month [†]		118/\$1,360	218/\$680	Extension for response within fourth month [†]		128/\$1,850	228/\$925	Extension for response within fifth month [†]		119/\$300	219/\$150	Notice of Appeal		141/\$1,210	241/\$605	Petition to revive unintentionally abandoned application		142/\$1,210	242/\$605	Utility Issue Fee (Or Reissue)		143/\$430	243/\$215	Design Issue Fee		122/\$130	122/\$130	Petitions to the Commissioner		123/\$50	123/\$50	Petitions related to provisional applications		126/\$240	126/\$240	Submission of Information Disclosure Statement		581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)		146/\$690	246/\$345	Filing a submission after final rejection (37 CFR 1.129(a))		149/\$690	249/\$345	For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify):				Other fee (specify):				SUBTOTAL (3)			(\$ 65.00)
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1. FILING FEE			
Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Description	Fee Due
101/\$690	201/\$345	Utility Filing	
106/\$310	206/\$155	Design Filing	
108/\$690	208/\$345	Reissue	
114/\$150	214/\$75	Provisional Filing	
SUBTOTAL (1)			(\$ 0)

2. CLAIMS		
Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description
103/\$18	203/\$9	Claims in excess of 20
102/\$78	202/\$39	Independent claims in excess of 3
104/\$260	204/\$130	Multiple dependent claim
109/\$78	209/\$39	Reissue independent claims over original patent
110/\$18	210/\$9	Reissue claims in excess of 20 and over original Patent

(Col. 1)	(Col. 2)	(Col. 3)	Fee	Fee Due
For	No. of Existing Claims	Highest No. Previously Paid For	Extra**	
TOTAL	minus* 20 or	=	x	=
INDEP	minus* 3 or	=	x	=
[] First presentation of multiple dependent claim				

* Subtract the greater number of Col. 2
 ** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3

SUBMITTED BY		Complete (if applicable)	
Typed or Printed Name	Kirk A. Gottlieb	Reg. Number	42,596
Signature		Date	September 14, 2000

[†] Request for Extension of Time per 37 CFR 1.136 (a)(3) made hereby